

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

DEUTSCHE BANK NATIONAL,

No. C 10-02561 LB

Plaintiff,

v.

**ORDER DIRECTING DEFENDANT  
TO FILE CONSENT/DECLINATION  
FORM**

HORTENSIA L MORALES,

Defendant.

On July 2, 2010, Plaintiff moved to remand this case to state court. ECF No. 3. The Court rescheduled hearing on Plaintiff's Motion to September 2, 2010 and ordered both Plaintiff and Defendant to file consent or declination forms to this Court's jurisdiction by July 20, 2010. ECF Nos. 4, 5. Plaintiff consented to this Court's jurisdiction on July 8, 2010. ECF No. 6. Defendant, however, has failed to file her consent or declination forms by July 20, 2010.

This civil case was randomly assigned to United States Magistrate Judge Laurel Beeler for all purposes including trial. In accordance with 28 U.S.C. § 636(c), magistrate judges are designated to conduct any and all proceedings in a civil case, including trial and entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Judge Beeler may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

Defendant has not filed a written consent to Judge Beeler's jurisdiction. Defendant also has the

1 right to have the case assigned to a United States District Judge for trial and disposition.  
 2 Accordingly, Defendant shall inform the Court whether she consents to Judge Beeler's jurisdiction  
 3 or requests reassignment to a United States District Judge. The consent/declination form **SHALL**  
 4 **BE FILED** by July 30, 2010. If you do not consent to this Court's jurisdiction by July 30, 2010, this  
 5 case will be reassigned to a district court judge.

6 Because you are representing yourself in this case, the Court issues this notice to you about legal  
 7 resources available to you and some of the legal rules that may apply in your case, including the  
 8 standards governing motions to remand.

9 First, the Court attaches a copy of the district court's *Handbook for Litigants Without a Lawyer*.  
 10 It provides instructions on how to proceed at every stage of your case, including discovery, motions,  
 11 and trial.

12 Second, you may wish to seek assistance from the Legal Help Center, a free service of the  
 13 Volunteer Legal Services Program, by calling 415-782-9000, extension 8657, or by signing up for  
 14 an appointment on the 15th Floor of the Federal Courthouse in San Francisco, 450 Golden Gate  
 15 Avenue, San Francisco, California. At the Legal Help Center, you will be able to speak with an  
 16 attorney who may be able to provide basic legal help but not representation. A copy of the Legal  
 17 Help Center's flyer is attached.

18 Third, the following is a notice that this Court gives to litigants representing themselves when a  
 19 defendant files a motion to remand:

20 Defendant filed a motion to remand your case to state court. The motion -- if granted -- will  
 21 result in the dismissal of your case. When a party you are suing makes a motion to remand your  
 22 case, and that motion is properly supported by declarations<sup>1</sup> (or other sworn testimony) and/or  
 23 documents, you may not simply rely on what your complaint says. Instead, you must set out specific  
 24 facts in declarations, depositions, answers to interrogatories, or documents that contradict the facts

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25  
 26 <sup>1</sup>A declaration is a statement of facts. The person making the declaration must know those  
 27 facts personally, and they must be facts that can be admitted into evidence. That means that they  
 28 must be facts as opposed to conclusions, argument, opinion, or hearsay. A declaration must be made  
 under penalty of perjury, which means that the person making the declaration must sign it and date  
 the declaration after the following statement: "I declare under penalty of perjury that the foregoing  
 is true and correct. Dated \_\_\_\_\_. Signed \_\_\_\_\_."

1 shown in Defendant's declarations and documents and show that your case should not be dismissed.  
2 If you do not submit your own evidence in opposition, the Court might -- if it is appropriate legally -  
3 - grant Defendant's motion and dismiss the case.

4 **IT IS SO ORDERED.**

5 Dated: July 22, 2010



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6 LAUREL BEELER  
7 United States Magistrate Judge  
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UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

DEUTSCHE BANK NATIONAL,

No. C 10-02561 LB

Plaintiff,

**CONSENT TO PROCEED BEFORE A  
UNITED STATES MAGISTRATE JUDGE**

v.

HORTENSIA L MORALES,

Defendant.

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. § 636(c), the undersigned party hereby consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial and the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Counsel for \_\_\_\_\_  
(Plaintiff, Defendant or indicate "pro se")

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

DEUTSCHE BANK NATIONAL,

No. C 10-02561 LB

Plaintiff,

**DECLINATION TO PROCEED BEFORE  
A UNITED STATES MAGISTRATE  
JUDGE AND REQUEST FOR  
REASSIGNMENT TO A UNITED  
STATES DISTRICT JUDGE**

v.

HORTENSIA L MORALES,

Defendant.

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party declines to consent to the assignment of this case to a United States Magistrate Judge and requests the reassignment of this case to a United States District Judge.

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

Counsel for \_\_\_\_\_  
(Plaintiff, Defendant, or indicate "pro se")